

**STATE OF INDIANA – COUNTY OF SHELBY
IN THE SHELBY CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Local Rule Amendment and Finding Good Cause to
Deviate From Established Schedule
May 12, 2011**

The judges of the Shelby Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~striketrough~~. [Supreme Court approval is required for Local Rules concerning Court Reporters and may not take effect until approved by the Supreme Court.] Persons with Internet access may view the proposed amended local rule at the following websites:
<http://www.courts.IN.gov/rules/local>

Notice has been given to the public by posting on the website of the Shelby County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Shelby County Bar Association. Comments may be made until July 1, 2011, to:

David N. Riggins
Judge, Shelby Superior Court II
Courthouse
407 S. Harrison Street,
Shelbyville, IN 46176
or
Email: david.riggins@co.shelby.in.us

These rule amendments will be effective on Jan 1, 2012, and after approval of the Indiana Supreme Court for those rules requiring approval.

DATED this 12th day of May, 2011 on behalf of the Judges of Shelby County.

_____/S/_____
David N. Riggins, Judge
Shelby Superior Court II

SHELBY COUNTY LOCAL COURT RULES

~~Business Rules~~

Administrative Rules

Trial Rules

Family Law Rules

Criminal Rules

Small Claim Rules

~~BUSINESS RULES~~

~~Amended September 30, 2005, Effective October 11, 2005
Including Amendments Received Through December 17, 2007~~

Rule

~~LR73-CB00 Rule 1 Protective Orders~~

~~LR73-CB00 Rule 2 Community Transition Violations~~

~~LR73-CB00 Rule 3 Probation Fees~~

~~LR73-CB00 Rule 4 Bond Schedule~~

~~LR73-CB00 Rule 5 Amendment to Bond Schedule~~

~~LR73-CB00 Rule 6 Schedule of Fees for Court Alcohol and
Drug Program Services~~

~~LR73-CB00 Rule 1 Protective Orders~~

~~The two attached forms¹, Notice of Termination and Notice of Extension or Modification, shall be designated as the required format when such notices are deemed necessary.~~

~~2. In all criminal cases where such protective orders are in force and where the defendant is represented by counsel at the time the protective order is either terminated, extended or modified, it shall be the responsibility of defense counsel to prepare and file the appropriate notice. Where the defendant is unrepresented, the prosecutor shall prepare and file the notice.~~

~~1. In all civil cases where such protective orders are in force, it shall be the responsibility of the party who requested the order to prepare and file the appropriate notice. No decree of dissolution will be entered by the Court until the appropriate notice is prepared and submitted.~~

~~Any issues arising under this Local Rule shall be resolved by the sitting Judge.~~

~~Adopted effective May 19, 1999. Amended and renumbered as rule 1, September 30, 2005, effective October 11, 2005.~~

~~¹Not set out here.~~

~~LR73-CB00 Rule 2 Community Transition Violations~~

~~Pursuant to Indiana Code 11-10-11.5-11.5 regarding the procedure for offenders who have violated the rules of the Community Transition Program, the Judges of Shelby County authorize the detention of an offender who has violated the rules of the Shelby County Transition Program in the Shelby County Criminal Justice Center pending their return to the Department of Correction upon request of the Director of Shelby County Community Corrections.~~

~~Adopted effective June 5, 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.~~

~~LR73-CB00 Rule 3 Probation Fees~~

~~1) Any probationer who requests their probation be transferred to a department outside the state of Indiana shall pay a \$75.00 fee to the Shelby County Probation Department through the Clerk of Shelby County.~~

~~2) Any probationer who lives in Indiana and outside Shelby County for whom a transfer of probation is sought to another probation department in Indiana by the Shelby County Probation Department or the probationer, shall pay a \$25.00 fee to Shelby County Probation through the Clerk of Shelby County.~~

~~3) Each person who is placed on probation as a result of a felony conviction shall pay a \$100.00 administrative fee. Each person who is placed on probation as a result of a misdemeanor conviction shall pay a \$50.00 administrative fee. Said fees shall be paid to the Shelby County Probation Department through the Clerk of Shelby County and shall be applied first before all other fees.~~

~~4) The parents of each child adjudicated a delinquent and placed on probation shall be required to pay a \$100.00 administrative fee to Shelby County Probation through the Clerk of Shelby County.~~

~~5) The above fees are in addition to the probation user fees.~~

~~Adopted effective July 30, 2003. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.~~

LR73-CB00 Rule 4 Bond Schedule

THE FOLLOWING IS THE PRESUMPTIVE BOND SCHEDULE FOR ALL SHELBY COUNTY COURTS:

~~NO BOND: THIS BOND SCHEDULE SHALL NOT BE USED FOR NOR APPLICABLE TO THE FOLLOWING CASES: 1) A DEFENDANT WHO HAS BEEN ARRESTED FOR A CRIME WHILE ON PROBATION, PAROLE, BOND, OR RELEASED ON OWN RECOGNIZANCE. 2) ANY PERSON ARRESTED ON A CHARGE OF INVASION OF PRIVACY, DOMESTIC BATTERY, OR STALKING. IN SUCH CASE, THE DEFENDANT SHALL BE DETAINED IN CUSTODY UNTIL THE DEFENDANT'S INITIAL HEARING. ALL FELONIES ABOVE CLASS D WILL HAVE BOND SET AT THEIR INITIAL HEARING. ALL CLASS D FELONIES WILL BE \$7,500.00 BOND—10% CASH ALLOWED. OPERATING MOTOR VEHICLE WHILE INTOXICATED, CLASS A MISDEMEANOR, WILL BE \$5,000.00 BOND—10% CASH ALLOWED. RESISTING ARREST, FLEEING~~

~~POLICE OFFICER \$2,500.00—10% Cash Allowed~~

~~ALL OTHER CLASS A MISDEMEANORS \$1,000.00—10% Cash Allowed~~

~~CLASS B MISDEMEANORS, CONSUMPTION OF ALCOHOL, CLASS C MISDEMEANOR; AND FURNISHING ALCOHOL TO A~~

~~MINOR, CLASS C MISDEMEANOR \$ 500.00—10% Cash Allowed~~

~~ALL OTHER CLASS C MISDEMEANORS Release on Own Recognizance O/R~~

~~ALL MISDEMEANOR AND CLASS D DRIVING WHILE INTOXICATED WILL BE SCHEDULED INTO SUPERIOR COURT 2 AND SHALL BE SCHEDULED INTO COURT ON THE FOLLOWING THURSDAY AT 8:30 A.M. IF RELEASED ON BOND.~~

~~ALL OTHER FELONIES ARE POOL FELONIES AND THE COURT WILL BE DETERMINED BY A POOL DRAWING. ON CLASS D FELONIES, THE OFFENDER, WHEN RELEASED, SHOULD CHECK WITH THE CLERK'S OFFICE IF THE COURT HAS NOT BEEN DETERMINED TO FIND OUT WHICH COURT TO REPORT TO.~~

~~THE BOND STATED ON A WARRANT SHALL BE ALLOWED IN ALL WARRANT ARRESTS. ANYONE CHARGED WITH A FELONY AND ON PROBATION SHALL BE HELD UNTIL THE INITIAL HEARING. THIS SHALL INCLUDE WARRANT ARRESTS.~~

Adopted effective January 31, 2002. Amended October 4, 2005, effective October 1, 2005; amended and renumbered as Rule 4, September 30, 2005, effective October 11, 2005

LR73-CB00 Rule 5 Amendment to Bond Schedule

~~ANY PERSON TAKEN INTO CUSTODY WHO IS ON PROBATION, AS VERIFIED BY THE COURTS OR PROBATION DEPARTMENT, SHALL NOT BE RELEASED UNDER THE BOND SCHEDULE. THE JAIL MAY DEPEND UPON A LIST OF CURRENT PROBATIONERS PROVIDED BY THE PROBATION DEPARTMENT. SUCH PERSONS SHALL NOT HAVE THEIR BOND SET EXCEPT BY THE COURT AT THE FIRST AVAILABLE COURT SESSION.~~

~~As effective March 1, 2000. Amended and renumbered as Rule 5, September 30, 2005, effective October 11, 2005.~~

LR73-CB00 Rule 6 Schedule of Fees for Court Alcohol and Drug Program Services

~~The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services.~~

~~Shelby County~~

~~Alcohol and Drug Abuse Program~~

I. Assessment w/Recommendation and PRIME	\$325.00
II. Transfer out (No PRIME).....	\$50.00
III. Transfer In without Assessment and PRIME.....	\$300.00
IV. Transfer In with Assessment (No PRIME).....	\$100.00
V. Assessment Only.....	\$100.00
VI. Prime Only	\$100.00
VII. Case Management Only.....	\$100.00
VIII. Urine Screens.....	\$25.00
IX. Pre-Trial Assessment w/Recommendation and PRIME....	\$275.00

~~As effective April 1, 2008.~~

SHELBY COUNTY LOCAL ADMINISTRATIVE RULES

Amended September 30, 2005, Effective October 11, 2005
Including Amendments Received Through December 17, 2007

Rule

LR73-AR15 Rule 1 Court Reporter Services

LR73-AR00 Rule 2 Local Caseload Plans

LR73-AR00 Rule 3 Shelby County Caseload Allocation Plan

LR73-AR00 Rule 4 Evidence in Possession of Court Reporter Retention

LR73-AR00 Rule 5 Audio & Video Recordings of Court Proceedings

LR73-AR15 Rule 1 Court Reporter Services¹

1.1 SECTION 1 DEFINITIONS

~~1.2~~ The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. or as otherwise ordered by the Court. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

1.2 SECTION 2 COMPENSATION

~~1.2~~ The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours (the 5 hours between 35 and 40 hours per week) shall be compensated in time off from work in an amount equal to the number of Gap Hours worked or by payment of regular time as directed by the court. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked in excess of 40 hours per week.

1.3 SECTION 3 DUTIES AND RESPONSIBILITIES

~~1.2~~ The duties of a Court Reporter shall include ~~(a)~~ Reporting the evidence presented in Court proceedings; ~~(b)~~ Preservation and storage of reported testimony and any physical evidence presented in Court proceedings; ~~(c)~~ Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure; ~~(d)~~ Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court; ~~(e)~~ Preparation of transcripts of evidence presented in Court proceedings requested pursuant to the Rules of Trial Procedure; and, ~~(f)~~ Such other functions and responsibilities as required by law or the Court for its effective administration.

1.4 SECTION 4 MAXIMUM PER PAGE FEE

~~1.4.1~~ A Court Reporter shall not charge more than the following per page:

1.4.1.1 ~~\$4.25~~ \$4.75 for a ~~county indigent~~ transcript of evidence for appealed cases; ~~1~~ The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence.

1.4.1.2 ~~(b) \$4.25~~ \$4.75 for state/county indigent transcript of evidence for appealed cases;

Proposed Local Rules Shelby County - For Comment

- ~~1.4.1.3-(e)~~ ~~\$4.25~~ \$4.75 for civil transcripts of evidence for appealed cases;
~~1.4.1.4-(d)~~ ~~\$4.25~~ \$4.75 for non-appeal transcripts;
~~1.4.1.5-(e)~~ ~~\$3.75~~ \$4.00 for deposition transcripts and ~~\$1.25~~ \$1.50 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;
~~1.4.1.6-(f)~~ ~~\$6.50~~ \$7.00 for expedited transcripts
~~1.4.1.7-(g)~~ ~~\$1.50~~ \$1.75 for copies of transcripts.
2. Court Reporter shall be allowed \$5.00 for each transcript disk provided.
 3. Court Reporter's Certification fee for transcripts shall be \$10.00.
 4. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

SECTION 5 PRIVATE PRACTICE

5.1 A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.

5.2. Such agreement shall establish the:

- ~~5.2.1-(a)~~ Reasonable market rate for the use of equipment, facilities and supplies;
- ~~5.2.2-(b)~~ Method by which records are kept for the use of the same; and,
- ~~5.2.3-(c)~~ Method by which the Reporter shall reimburse the Court for such usage.

Adopted May 28, 1998, effective June 1, 2008. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended effective December 17, 2007. Proposed Amended, April 12, 2011, Effective Jan 1, 2012.

¹ See, also Rule 2

² ~~There is no Section 1.2, 2.2, or 3.2 in this rule.~~

LR73-AR00 Rule 2 Local Caseload Plans

I. 2.1 Caseload Allocation

2.1.1-A. Criminal Cases

~~1.1~~ Criminal case allocation shall continue to operate as specified in Amended Joint Local Rule No. 1

2.1.2 B. Civil Cases

2.1.2.1. Juvenile Cases

~~a.2~~ All Juvenile cases (JC, JT, JD, JS, JM, and JP) shall continue to be filed in Shelby Superior Court No. 1

2.1.2.2 Remaining Civil Cases

~~a.2.1.2.2.1~~ All Civil Plenary (CP) cases shall be filed ~~alternately~~ 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

~~b. 2.1.2.2.2~~ All Domestic Relations (DR) cases shall be filed ~~alternately~~ 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

~~c. 2.1.2.2.3~~ All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.

~~d.2.1.2.2.4~~ All Protective Orders (PO) cases shall be filed in Shelby Circuit Court

~~e. 2.1.2.2.5~~ All Small Claims (SC) shall be filed in Shelby Superior Court No. 2

~~f. 2.1.2.2.6~~ All remaining types of civil cases (AD, AH, CT, ES, EU, GU, MH, MI and TR) shall be filed as requested by the initiating party.

II. Evaluation of Caseload Allocation

A. The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Administration.

B. The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.

C. Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration.

D. Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

Adopted as local Rule 1991-1, September 8, 1999, effective November 1, 1999. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.

~~¹There is no Subd. I.A.2. in this rule~~

~~²There is no Subd. I.B.1.b. in this rule.~~

LR73-AR00 Rule 3 Local Caseload Plans

Criminal Cases

All pool felonies as defined in Local Rule 73-CR2.2-1, shall filed in the respective courts in the following percentages:

45% in Shelby Circuit Court

45% in Shelby Superior Court No. 1

10% in Shelby Superior Court No. 2

All misdemeanor and non-pool class D felonies shall be filed in Shelby Superior Court No. 2.

Civil Cases

Small claims and Infractions shall be filed in Shelby Superior Court No. 2.

Protective orders shall be filed in Shelby Circuit Court unless there is a related case in one of the other courts in which case the Protective Order case would be filed in the other court along with the related case.

Mortgage Foreclosure (MF), Plenary (PL), Civil Collections (CC), and Domestic Relations (DR) cases shall be filed on a 50/50 random ~~an alternate~~ basis between Shelby Circuit Court and Shelby Superior Court No. 1.

All other civil actions shall be filed in the court chosen by the initiating party.

Juvenile Cases

All juvenile cases shall be filed in Shelby Superior Court No. 1

The revised Caseload Allocation Plan is the current caseload plan with the only modification the assignment of pool felonies between Circuit and Superior Court 1 courts. This modification will bring the Shelby County Courts within the forty (40%) percent variance based on the weighted caseload measures system.

LR73-AR7-Rule 4: Evidence Handling, Retention and Destruction

Preamble

In all cases, the Court shall proceed pursuant to these Rules unless the Court directs a longer retention period after motion by any party or on its own motion. This section shall not apply to exhibits that are on 8.5 x 11 inch paper or that can otherwise be easily stored in a flat court file.

(4.1) Civil Cases, Including Adoption, Paternity, and Juvenile Proceedings. All models, diagrams, documents, or material not on 8 ½ by 11 paper admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

(4.2) Retention Periods for Evidence Introduced in Criminal Misdemeanor, Class D and Class C Felonies and Attempts. Misdemeanor, Class D and C Felonies and Attempts. Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court, three (3) years after the case is dismissed, the defendant is found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

(4.3) Retention Periods for Evidence Introduced in Criminal Class B and A Felonies. Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. Courts should be encouraged to photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

(4.4) Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

(4.5) Notification and Disposition. In all cases, the Court shall provide actual notice, by mail or through the Shelby County Courthouse mailbox system, to all attorneys of record and to parties if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the Court informed of their current addresses and notice to the last current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, the party receiving and removing the evidence shall give a detailed receipt to the court reporter, and the receipt will be made part of the court file.

In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice. The sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. The sheriff should auction evidence of some value with proceeds going to the county general fund. These Rules and their retention periods will take precedence over inconsistent language in statutes. I.C. 35-33-5-5(c)(2).

(4.6) Biologically Contaminated Evidence. A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

LR73-AR10-Rule 5: Audio and/or Video recordings of Court Proceedings:

- 5.1** As proscribed by Indiana Judicial Conduct rule 2.17 and because the court is further required to prohibit broadcasting or televising court proceedings, any distribution of audio and video recordings of court proceedings shall not occur without explicit leave of court and accompanying protective orders regarding such recordings. Unauthorized distribution of such recordings may be punishable as a contempt of court matter.
- 5.2** Except for an authorized court reporter Audio and/or video recording of any court proceeding by any person for any reason without preapproved leave of court is punishable by contempt of court. A person that aids, induces, or causes the unauthorized recording of court proceedings or a person that possesses or distributes an unauthorized recording of a court proceeding is also subject to contempt of court proceedings.

SHELBY COUNTY LOCAL TRIAL RULES

Amended September 30, 2005, Effective October 11, 2005
Including Amendments Received Through October 15, 2006

Rule

LR73-TR45 Rule 1. Pool Felony

LR73-TR76 Rule 2. Selection of Special Judge

LR73-TR-33 Rule 3 Interrogatories

LR73-TR-05 Rule 4 Courthouse Mailbox

LR73-TR45 Rule 1. POOL FELONY¹

~~(b)~~ 1.1 All felonies, except class D felony Driving While Intoxicated cases (hereafter “pool” felonies), shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving forty-five percent (45%) ~~sixty percent (60%)~~, Shelby Circuit Court forty-five percent (45%) ~~thirty percent (30%)~~ and Shelby Superior No. 2 receiving ten percent (10%) of said cases;

~~(4)~~ 1.1.2 All co-defendants in “pool” felony cases shall be assigned to the same court, based upon a single random draw by the Shelby County Clerk.

~~i.~~ 1.1.3 The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the cases involve co-defendant. ~~ii.~~ Each co-defendant case will be assigned an individual cause number. ~~iii.~~ For purposes of this Rule, the cases involve co-defendants ~~if:~~ as provided by

~~1. the cases arise from a common scheme or plan;~~

~~2. the cases are closely connected in respect to time, place, occasion or events;~~

~~3. each of the defendants is charged with substantially the same or overlapping offenses;~~

~~4. one or more of the defendants is alleged to have aided, induced or conspired with another defendant to commit an offense charged; or~~

~~5. the defendants could be joined in the same indictment or information under I.C. 35-34-1-9 and amendments thereto.~~

(2) Except in felony cases involving co-defendants under ~~(b)~~~~(4)~~ 1.1.3 above, any new “pool” felony case filed against a defendant who has an open “pool” felony case already pending in any Court, shall be assigned to the Court where the current case is pending. ~~i.~~² The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.

Joint Local Rule No. 1, amended effective October 1, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.

¹~~See, also, Criminal Rule 1 as to Subds. (a) and (c) to (g).~~

²~~There is no Subd. (b) (2)ii. in this rule.~~

LR73-TR76 Rule 2. Selection of Special Judge

~~A.~~ 2.1 Selection of special judges in cases involving a change of judge, disqualification or recusal.

~~1.~~ 2.1.1 Pursuant to T.R. 79 (D), parties to a civil action may agree with consent of the judge selected to any particular judge.

~~2.~~ 2.1.2 Pursuant to T.R. 79 (E), in absence of an agreement as to a particular special judge, the parties, alternatively, may agree to have the regular sitting judge appoint a special judge.

~~B.~~ 2.2 Additional procedures for selection of special judges in cases involving a change of judge.

In the absence of an agreement as to a particular special judge, pursuant to ~~A~~~~(1)~~ 2.1.1 above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to ~~A~~~~(2)~~ 2.1.2

above, then pursuant to T.R. 79(F), the regular sitting judge shall name a panel of three judges including the other Shelby County Circuit or Superior Court judge(s) and one judge from Hancock County or Johnson County. However, if a party to a case is a member of the family of any Shelby County Judge, then the judge shall appoint a panel of judge(s) from Hancock County or Johnson County. For purposes of this rule, a member of the judge's family shall be defined in the Code of Judicial Conduct.

If Shelby County does not have a sufficient number of regular sitting judges, then the sitting judge shall name a panel including the available local judge(s) and judge(s) from Hancock County or Johnson County.

If a special judge selected under section ~~(B)~~ 2.2 does not accept the case then the Clerk of Shelby County shall randomly select from the Judges of Shelby County, Hancock County, and Johnson County.

~~C.~~ 2.3 Selection of special judges in cases involving disqualifications or recusals.

~~F.~~ In the absence of an agreement as to a particular special judge, pursuant to A(1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A(2) above, then the Clerk of Shelby County shall, on a rotating basis select a judge remaining from the judges of Shelby, Hancock and Johnson Counties.

A person appointed to serve as special judge under section (C) must accept jurisdiction unless disqualified under the *Code of Judicial Conduct*, ineligible for service under Ind. Trial Rule 79 or excused by the Indiana Supreme Court.

~~D.~~ 2.4 A judge of Shelby Circuit or a Superior Court may, in the interests of justice or judicial economy, transfer and reassign a civil or criminal case to any other court of record in Shelby County by appropriate order entered in the Record of Judgments and Orders, subject to acceptance by the receiving court.

~~E.~~ 2.5 Certification to the Indiana Supreme Court.

If no Special Judge accepts appointment using any of the methods recited herein above, the regular sitting judge shall certify to the Supreme Court for naming of a special judge.

The sitting judge may forego the requirements set forth herein and certify immediately to the Indiana Supreme Court for the appointment of a special judge if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court.

Adopted as Coordinated Local Rule, 1995. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. *Amended effective April 8, 2009.*

LR73-TR33-Rule 3. INTERROGATORIES

3.1 Number Limited. Interrogatories shall be limited to a total of 25 including subparts and shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of Court additional interrogatories may be propounded.

3.2 Answers and Objections. Answers or objections to interrogatories under Rule TR 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection.

3.3 Duplicated Forms. No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the cause in which the same are filed and served.

LR73-TR05-Rule 4. MAILBOX SERVICE

Pursuant to Trial Rule 5(B)(1)(d), the Circuit and Superior Courts of Shelby County hereby designate the courthouse mailboxes located in each respective court for service of pleadings upon attorneys/ law firms who have such boxes. Each law firm must notify each court if they wish to establish a mailbox in the court. Each law firm must notify the court in writing if they wish to terminate the use of the courthouse mailbox. If an attorney or law firm declines to consent to receiving service by courthouse mailbox, then they are prohibited from using courthouse mailboxes to serve other attorneys. To the extent that an Attorney or firm designates an electronic mail box for purposes of having the court send orders to such electronic mailbox, **the courts** reserve the right to send such court orders electronically. However, the court does not accept electronic filing by attorneys at this time.

SHELBY COUNTY LOCAL

FAMILY LAW RULES

Amended September 30, 2005, Effective October 11, 2005
Including Amendments Received Through October 16, 2006

Rule

LR73-FL00 Rule 1. Dissolution Education Workshop
LR73-FL00 Rule 2. ADA in Domestic Relations
LR73-FL00 Rule 3. Guardian Ad Litem Fees
LR73-FL00 Rule 4 Automatic Withdraw

LR73-FL00 Rule 1. Dissolution Education Workshop

Pursuant to I.C. 31-1-11.5-19, Shelby Circuit Court, Shelby Superior Court I and Shelby Superior Court II find that the best interests of the minor child or children of the parties shall be served by encouraging mediation and cooperation between divorcing parents prior to and after the dissolution of their marriage.

The Courts further find that the Mandatory Divorce Workshop will:

1. Aid parents in post-separation parenting;
2. Encourage agreements between parties concerning child related matters; and,
3. Aid Courts in maximizing the use of Court time.

THEREFORE, Shelby Circuit Court, Shelby Superior Court I and Shelby Superior Court II now Order both parties in any Dissolution of Marriage cause of action in which there are minor children to attend the workshop entitled "Children Cope With Divorce". Attendance shall be mandatory for all parties in any Dissolution of Marriage filed on or after April 1, 1994, if there are unemancipated children under eighteen (18) years of age.

Each party must complete the four-hour course prior to the Final Hearing. The parties shall be responsible for paying the cost of the program, currently Thirty-five Dollars (\$35.00) per person; waiver of the fee for indigency may be allowed.

The parties in this cause of action are ordered to contact:

The Visiting Nurse Service
4701 N. Keystone Avenue
Indianapolis, IN 46205
(317) 722-8201
1-800-248-6540

within fifteen (15) days of their notice of this Order to make an appointment to attend the workshop without further notice. Failure to complete the workshop may result in a party having to show cause why he/she should not be held in contempt of Court. The Sheriff of Shelby County is ordered to make due service of the Notice of Order on the Respondent when the Petition for Dissolution is served and make due return thereon.

Adopted and effective April 9, 1996. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.

LR73-FL00 Rule 2. ALTERNATIVE DISPUTE RESOLUTION (ADR) in Domestic Relations

2.1 PROGRAM OVERVIEW. The purpose of the ADR Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution of marriage, legal separation and paternity cases. The goal is to offer litigants the opportunity to resolve conflict amicably, arrive at acceptable resolutions, have ownership of outcomes, and provide a basis upon which to resolve later issues all with the overriding goal of furthering the best interests of children.

A primary aspect of the program is to provide alternative dispute services to litigants of modest means.

The forms of alternative dispute to be used are mediation, arbitration and family counseling in high conflict cases. Mediation will be the favored process. The parties may agree to submit to non-binding arbitration. Courts may require the parties submit to non-binding arbitration.

Court may require the parties to participate in counseling in high conflict matters. If mediation or arbitration are used, the Indiana Rules for Alternative Dispute Resolution apply.

The ADR Plan is to be effective with cases filed after September 1, 2005. The Clerk of Shelby County shall commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to Indiana Code 33-4-13-1, on September 1, 2005.

2.2 ELIGIBILITY CRITERIA. All domestic relations litigants with custody and/or visitation disputes reasonably expected to take one hour or more of court time to litigate their custody and/or visitation dispute shall be required to participate in the ADR Plan. A party currently charged with or convicted of a crime under Indiana Code 35-42- et seq. Or a substantially similar crime in another jurisdiction may not participate in the ADR Plan.

2.3 FINANCIAL QUALIFICATIONS. Litigants whose income is less than 125% of the federal poverty guidelines and have less than \$10,000.00 of assets will participate without cost. Litigants whose income is between 125% and 175% of the federal poverty guidelines and have less than \$20,000.00 of assets will pay a co-payment of \$50.00 per hour for the services of the mediator. Litigants whose income is less than 125% and have \$20,000.00 or more in assets will co-pay \$50.00 per hour for the services of the mediator. Litigants whose income is greater than 175% of the federal poverty guidelines or who own more than \$20,000.00 in assets will pay the mediator the normal hourly rate of the mediator.

2.4 REFERRAL AND PLAN ADMINISTRATION. ~~Evette Spurling~~, The administrator of the Shelby County Public Defender Program and Pro Bono Program will be the Plan Administrator. She will be responsible for the initial intake of litigants. If a litigant is determined to qualify for no-cost or reduced rate mediation, they will be referred to a volunteer mediator through the Shelby County Pro Bono Program. If the litigant is determined not to qualify for no-cost or reduced rate mediation, the litigant may choose the alternative dispute resolution facilitator of their choice. If one party qualifies but one does not, they shall be referred to a volunteer mediator and the non-qualifying party shall pay the mediator the normal hourly charge of the mediator. Attorneys and Judges shall refer the appropriate cases to the ADR Plan. All registered domestic law mediators, including Senior Judges, are eligible to act as mediators under the plan. Funds generated by the Plan shall be managed by the Shelby County Auditor.

2.5 PLAN EDUCATION. Information about the Plan, including the additional \$20.00 filing fee, its implementation, purpose and goals will be presented to the Shelby County Bar Association, the Shelby County Clerk, and local mental health counselors. The general public will be advised through newspaper and radio outlets.

2.6 PLAN COORDINATION. The ADR Plan will work closely with the Shelby County Pro Bono Program to facilitate the resolution of domestic relations cases without the necessity of extended court hearings. Participants in the Pro Bono Program in domestic relations cases will be required to participate in the ADR Plan to attempt an amicable resolution of the case. The ADR Plan will provide a funding source for resolution of high conflict disputes for litigants of modest means.

2.7 PROJECTED BUDGET. The Shelby Circuit Court estimates \$3,000.00 will be collected annually. These figures are based on the total number of domestic cases filed in 2004 in Shelby Circuit Court (160) and Shelby Superior Court No. 1 (158). There were approximately 5 private paternity actions filed in 2004. There were approximately 20 domestic relation cases filed in which the filing fee was waived or reduced.

2.8 PROJECTED ANNUAL BUDGET

Income \$6,200.00

Expenses 6,200.00

Compensation for intake and referral

Coordinator

\$13.28/hour x 5 hours/week x 52 weeks = 3,452.80

Publicity regarding program 250.00

High conflict counseling 1,497.20

Mediation* 1,000.00

\$6,200.00

*Mediation costs are low because most mediators will serve on pro bono basis as part of their voluntary participation in Shelby County Pro Bono Plan.

2.9 PROGRAM EVALUATION AND REPORTING. An annual Report containing data related to the Plan shall be submitted to the judicial Conference by December 31 of each year. It shall be the responsibility of the Judge of Shelby Superior No. 1 to prepare and submit the Annual Report. The Annual Report shall be used to evaluate the program in conjunction with ongoing discussions with the Plan Administrator and representatives from the Pro Bono Program. The Judges and representatives from the Pro Bono Program will also evaluate the Plan on an ongoing basis by reviewing exit surveys which each participant will be asked to complete.

Adopted as ADA Plan. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.

LR73-FL00 Rule 3. Guardian Ad Litem Fees

The Shelby County Courts, recognizing it is appropriate to require parents and custodians of children who are involved in litigation and use the services¹ of the Shelby County Guardian Ad Litem to be financially responsible for those services, hereby establishes a standard fee schedule for the services¹ of the Shelby County Guardian Ad Litem in cases other than Child in Need of Services cases.

1) For custody and/or visitation evaluations, each parent/custodian shall pay the sum of \$200.00.

2) For cases in which the services of the Guardian Ad Litem is required on an ongoing basis, each parent/custodian shall pay the sum of \$75.00 per month. The Court in which the case is pending retains the discretion to deviate from the schedule in a particular case based upon the circumstances of the parties.

Adopted effective November 18, 1997. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.

LR73-FL00-Rule 4: Automatic Withdrawal of Appearance

In Domestic Relation (DR) cases and Paternity (JP) cases, an attorney's Appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., Final Decree, Modification, or Citation. If a new action, i.e., Modification or Citation, is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action.

SHELBY COUNTY LOCAL CRIMINAL RULES

*Amended September 30, 2005, Effective October 11, 2005
Including Amendments Received Through October 15, 2006*

Rule

LR73-CR2.2 Rule 1	Criminal Caseload Assignment
LR73-CR00 Rule 2	Bond Schedule
LR73-CR00 Rule 3	Automatic Mutual Discovery
LR73-CR02 Rule 4	Service of subpoenas in criminal cases
LR73-CR00 Rule 5	Community Transition Violations
LR73-CR00 Rule 6	Probation Fees
LR73-CR00 Rule 7	Amendment to Bond Schedule
LR73-CR00 Rule 8	Schedule of Fees for Court Alcohol and

LR73-CR2.2 Rule 1. Criminal caseload Assignment

1.1 All misdemeanors and class D Felony Driving While Intoxicated cases shall be filed in Shelby Superior No. 2;

1.2 All felonies, except class D Felony Driving While Intoxicated cases, (hereafter “pool felonies”) shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving ~~sixty~~ forty-five percent (45%) of said cases, Shelby Circuit receiving forty-five percent (45%) of said cases and Shelby Superior No. 2 receiving ten percent (10%) of said cases;

1.3 The most serious level of charge filed determines if the case is assigned automatically to Shelby Superior No. 2 or if the case is randomly assigned by the Shelby County Clerk;

1.4 When the State of Indiana dismisses a pool felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;

1.5 All co-defendants in pool felony cases shall be assigned to the same court based upon a single random draw by the Shelby County Clerk;

~~1.5.1(a)~~ The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the cases involve co-defendants;

~~(b)~~ Each case will be assigned an individual cause number;

For purposes of this Rule, the cases involve co-defendants ~~if~~: as provided by

~~1. the cases arise from a common scheme or plan;~~

~~2. the cases are closely connected in respect to time, place, occasion or events;~~

~~3. each of the defendants is charged with substantially the same or overlapping offenses;~~

~~4. one or more of the defendants is alleged to have aided, induced or conspired with another defendant to commit an offense charged; or~~

~~5. the defendants could be joined in the same indictment or information under I.C. 35-34-1-9 and amendments thereto.~~

(1.6) Except in felony cases involving co-defendants as defined above, any new pool felony case filed against a defendant who has an open pool felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.

(1.7) A judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense(s), any pending case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require.

(1.8) The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judge of the receiving court.

(1.9) In the event a motion for change of judge is granted or it becomes necessary to reassign a felony or misdemeanor case in Shelby Circuit or Shelby Superior Courts, the Clerk shall maintain a list containing the names of the judges of the Shelby County Courts and the names of the judges of the circuit and superior courts of Hancock, Rush, Decatur, Bartholomew and Johnson Counties, who have agreed to serve. Whenever an appointment of a successor judge becomes necessary the case shall be reassigned to one of the judges on the Clerk's list on a rotation basis.

(1.10) Should a judge not be available for assignment from the Clerk's list or the particular circumstances of the case require a selection of a special judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme court pursuant to Criminal Rule 13(d).

Adopted as Joint Local Rule No. 1, effective October 11, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended on April 8, 2009. Renumbered March 17, 2011.

¹See, also, Trial Rule 1.

LR73-CB00 Rule 2 Bond Schedule

THE FOLLOWING IS THE PRESUMPTIVE BOND SCHEDULE FOR ALL SHELBY COUNTY COURTS:

2.1 Bond Schedule. Unless otherwise ordered by the Court, the following shall be the amounts set for the bail bonds:

a. Charge Bond Amount

<u>Class C Misdemeanors</u>	<u>\$2,000</u>	<u>10% Cash</u>
<u>Class B Misdemeanors</u>	<u>\$3,000</u>	<u>10% Cash</u>
<u>Class A Misdemeanors</u>	<u>\$5,000</u>	<u>10% Cash</u>
<u>Class D Felony</u>	<u>\$7,500</u>	<u>10% Cash</u>
<u>Class C, B, A Felony</u>		<u>NO BOND</u>
<u>Murder</u>		<u>NO BOND</u>

b. In the event that an arrest is made without a warrant signed by a judge endorsing a specific bond, the charts above shall establish the bond for a “preliminary charge.” In the event that the individual is arrested on more than one “preliminary charge,” the bond shall be set in the amount of bond for the most serious offense.

2.2 In the event that the arresting officer believes that the above schedule is not appropriate for a specific arrest based upon facts known to the officer or surrounding circumstances, the officer may complete an affidavit in a form substantially conforming to the form attached hereto (Form A) and provide it to the Sheriff’s Department and the Sheriff is authorized to hold such arrestee until the sooner of forty-eight (48) hours (excluding weekends and holidays) or until further order of a Judge.

2.3 No bond: this bond schedule shall not be used for nor applicable to the following cases:

2.3.1 A person arrested for a crime while on probation, parole, bond, or while released on their own recognizance. Persons on parole or probation shall have an immediate 15 day probation/parole hold placed upon them by jail staff, including but not limited to persons arrested pursuant to a warrant.

2.3.2 any person arrested on a charge of Invasion of Privacy, Domestic Battery, or Stalking.

2.4 Court Assignments

a. All misdemeanor and/or class D felony Driving While Intoxicated arrestees will be scheduled by jail personnel into Superior Court 2.

b. All other D, C, B, and A felonies arrestees are pool felonies and the court will be determined by a pool drawing. Such arrestees shall report to the Shelby County Clerk at the date and time designated by the jail staff when released for information regarding their assigned court, failure to do so may be punished by contempt or additional criminal charges including but not limited to escape.

2.6 Subject to paragraph 2.3, the bond stated on a warrant shall be allowed in all warrant arrests and the arrested person shall report to the appropriate court as instructed by the jail staff.

2.7 Nolle Pros-Upon notification by an authorized representative of the Shelby County Prosecutor’s Office that no charges will be filed in the immediate future, the jail may release any person upon their own recognizance. If the prosecutor’s office notifies the jail or the court after the arrestee has already posted bond, then such bond shall be held by the clerk until further order of the court.

FORM A

AFFIDAVIT FOR HOLD FOR PRELIMINARY CHARGE

Arrestee Name: _____

Arrestee DOB: - - Arrestee OLN/ID Card _____

Arrestee Home address: _____

Street: _____

Arrestee City State Zip Code _____

The undersigned law enforcement officer makes this affidavit for the purpose of requesting that the Shelby County Sheriff hold the named arrestee, and that said arrestee shall not be allowed to post bond pursuant to the schedule set by the judges of this county. In support the undersigned states the bond schedule is not appropriate for:

Name _____ (hereinafter arrestee) in that said arrestee:

_____ is not a resident of this community and/or appears to have no significant ties to the community and /or appears to the undersigned to present a higher than normal risk to fail to return; or

_____ has made threats of violence to this officer or to another person which if carried out would warrant a substantially higher charge and bond, and it appears likely to the undersigned that the arrestee would carry out these threats if permitted to post the standard bond; or

_____ is suspected of additional or more serious charges which will require further investigation, and the bond for the offense for which the arrestee is now held is not likely to be sufficient to assure attendance at proceedings for the suspected offense; or

_____ other grounds not set forth above: _____

_____.

I affirm under penalties for perjury that the above is true to the best of my knowledge this _____ day of _____, 20____ at _____ o'clock ____ m.

Signature

Print name

LR73-CR00-Rule 3. AUTOMATIC DISCOVERY IN FELONY CASES

3.1 GENERAL PROVISIONS-Felony cases:

3.1.1 Within thirty (30) days from the entry of an appearance by an attorney for a defendant, or from the formal filing of charges, whichever occurs later, the State shall disclose in all felony cases all relevant items and information under this rule to the defendant, subject to Constitutional limitations and such other limitation as the Court may specifically provide by separate order, and the defendant shall disclose all relevant items and information under this rule to the State within ten (10) days after the State's disclosure. Both parties shall furnish items disclosed and required to be furnished under this Rule within a reasonable time thereafter.

3.1.2 No written motion is required, except:

3.1.2.1 To compel compliance under this rule;

3.1.2.2 For additional discovery not covered under this rule;

3.1.2.3 For a protective order seeking exemption from the provisions of this rule; or,

3.1.2.4 For an extension of time to comply with this rule.

3.1.3 Although each side has a right to full discovery under the terms of this rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this rule.

3.1.4 The parties may perform these disclosure obligations in any reasonable manner including by delivery in electronic format. If the discovery is in an electronic format, the party offering the discovery must make a reasonable effort to ensure the discovery is in a format that is readily accessible by the other party. Portable Document Format (PDF) and audio mp3 or .wav files are presumptively readily accessible. Alternative compliance with these rules may include a notification to the defendant or defense counsel that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

3.1.5 Discovery shall not be filed with the court.

3.2 STATE DISCLOSURES:

3.2.1 The State shall disclose the following materials and information within its possession or control: The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements. However, addresses and other confidential information is subject to the disclosure limitations in Indiana Admin Rule 9 and the Indiana Access to Public Records Act Indiana Code § 5-14-3-1. In lieu of providing an address or phone number, the Prosecutor's Office may designate their office as a contact point for their listed witnesses.

3.2.2 Any written or recorded statements and the substance of any oral statements made by the accused or by a codefendant and a list of witnesses to the making and acknowledgment of such statements.

3.2.3 If applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in the case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the Court for an order requiring their preparation;

3.2.4 Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;

3.2.5 Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to introduce as an exhibit in the hearing or trial or which were obtained from or belong to the accused; and

3.2.6 Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial.

3.2.7 The State shall disclose to the defendant(s) any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.

3.3 DEFENDANT DISCLOSURES:

Defendant's counsel (or defendant where defendant is proceeding pro se) shall furnish the State with the following material and information within his or her possession or control:

3.3.1 The names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements and the substance of any oral statements made by them;

3.3.2 Any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence or an exhibit at any trial or hearing;

3.3.3 Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;

3.3.4 Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and

3.3.5 Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

3.4 Defendant's Obligations Upon Request of the State.

Upon request by the State, the defendant must produce the person of the accused, subject to constitutional and statutory limitations, for purposes of: appearing in a line-up; speaking for identification by witnesses to an offense; being fingerprinted; posing for photos not involving reenactment of a scene; trying on an article of clothing; permitting samples of blood, hair, or other materials of his body, which involve no unreasonable intrusion; providing a sample of the defendant's handwriting; and submitting to a reasonable physical or medical inspection of the defendant's body.

3.5 ADDITIONS, LIMITATION, AND PROTECTIVE ORDERS:

3.5.1 Discretionary Disclosures: Upon written request and a showing of materiality, the Court, in its discretion, may require additional disclosure not otherwise covered by this rule.

3.5.2 Denial of Disclosure: The Court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure to defendant or counsel. c.

3.6 MATTERS NOT SUBJECT TO DISCLOSURE

3.6.1 Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or counsel's legal or investigative staff; and

3.6.2 Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused.

3.6.3 Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

3.7 DUTY TO SUPPLEMENT RESPONSES: The State and the defendant are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

3.8 SANCTIONS UPON FAILURE TO COMPLY: Failure of a party to comply with either the disclosure requirements or the time limits required by this rule may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing, contempt of court, and/or financial sanctions.

LRCR2.2 Rule 2 4-Service of subpoenas in criminal cases

~~(a)¹~~ The Shelby County Sheriff's Department shall serve subpoenas without cost in criminal cases where a defendant is represented by a public defender. Personal service on a individual means physically handing the subpoena to the person named on the subpoena.

Adopted as Joint Local Rule No. 8, effective February 22, 2000. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.

~~¹There is no Subd. (b) in this rule.~~

LR73-CR00 Rule 5 Community Transition Violations

Pursuant to Indiana Code 11-10-11.5-11.5 regarding the procedure for offenders who have violated the rules of the Community Transition Program, the Judges of Shelby County authorize the detention of an offender who has violated the rules of the Shelby County Transition Program in the Shelby County Criminal Justice Center pending their return to the Department of Correction upon request of the Director of Shelby County Community Corrections or the Shelby County Prosecutor or Deputy thereof.

Adopted effective June 5, 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. Amended and Renumbered as LR73-CR-00-Rule 4, March 16, 2011.

LR73-CR00 Rule 6 Probation Fees

6.1) Any probationer who requests their probation be transferred to a department outside the state of Indiana shall pay a \$75.00 fee to the Shelby County Probation Department through the Clerk of Shelby County.

6.2) Any probationer who lives in Indiana and outside Shelby County for whom a transfer of probation is sought to another probation department in Indiana by the Shelby County Probation Department or the probationer, shall pay a \$25.00 fee to Shelby County Probation through the Clerk of Shelby County.

6.3) Each person who is placed on probation as a result of a felony conviction shall pay a \$100.00 administrative fee. Each person who is placed on probation as a result of a misdemeanor conviction shall pay a \$50.00 administrative fee. Said fees shall be paid to the Shelby County Probation Department through the Clerk of Shelby County and shall be applied first before all other fees.

6.4) The parents of each child adjudicated a delinquent and placed on probation shall be required to pay a \$100.00 administrative fee to Shelby County Probation through the Clerk of Shelby County.

6.5) The above fees are in addition to the probation user fees.

Adopted effective July 30, 2003. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Renumbered as LR73-CR00 Rule 4 March 16, 2011.

LR73-CR00-Rule 7 Late Payments –Additional Fee

7.1 Any defendant found to have committed a crime; violated a statute defining an infraction; violated an ordinance of a municipal corporation; or committed a delinquent act; and the defendant is required to pay: court costs, including fees; a fine; or a civil penalty; and the defendant is not determined by the Court imposing the court costs, fine, or civil penalty to be indigent; and the defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

(1) The end of the business day on which the Court enters the conviction or judgment.

(2) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the Court; then the defendant shall pay an additional \$25.00 late payment fee pursuant to IC 33-37-5-22 and the Clerk of the Court shall collect the late payment fee.

7.2 The late payment fees imposed under this rule are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-2 and the clerk may use any money in the fund for the following purposes: (1) The preservation of records. (2) The improvement of record keeping systems and equipment.

LR73-CR00 Rule 8 Schedule of Fees for Court Alcohol and Drug Program Services

The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services and shall not exceed \$400.00.

LR73-CR00 Rule 9: Automatic Withdrawal of Appearance

In all criminal cases, an attorney's Appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., not guilty verdict, sentencing. If a new action, i.e., Modification or probation violation, is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action.

SHELBY COUNTY LOCAL SMALL CLAIMS RULES

Amended September 30, 2005, Effective October 11, 2005
Including Amendments Received Through October 15, 2006

Rule

LR73-SC08 Rule 1. Policies and Procedures for Implementation of Small Claims Rule 8

LR73-SC02 Rule 2 Sequential numbering of certain pleadings.

LR73-SC8 Rule 1. Policies and Procedures for Implementation of Small Claims Rule 8

The following policies and procedures will be utilized in order to properly implement Small Claims Rule 8.

- 1.1 A natural person may appear pro se or by counsel.
- 1.2 A sole proprietor may appear by the sole owner or by counsel.
- 1.3 A partnership may appear by a general partner or by counsel.
- 1.4 A sole proprietor or partnership may appear by a full-time employee if the claim does not exceed \$1,500.00 and proper filings have been made. ~~(See item 7 below).~~
- 1.5 A corporation or limited liability corporation, (LLC), must appear by counsel if the claim exceeds \$1,500.00.
- 1.6 A corporation or LLC may appear by a full-time employee if the claim does not exceed \$1,500.00 and proper filings have been made. ~~(See item 7 below).~~
- 1.7 The filings required for an employee to appear in a small claims proceedings are as follows:
 - a. A corporation or LLC must have filed a resolution designating the employee and expressing compliance with Small Claims Rule 8.
 - b. A sole proprietor or partnership must have filed a certificate by the owner or each of the partners designating the employee and expressing compliance with Small Claims Rule 8.
 - c. Each designated employee must have filed an affidavit affirming that he or she is a full-time employee and that they have not been suspended or disbarred from the practice of law in Indiana.
- 1.8. The filings noted above shall be filed in Shelby County Superior Court II prior to any action being undertaken by the party. If an action is already filed, it will not proceed, and may be dismissed or defaulted if proper filings are not submitted.
 - a. Miscellaneous entries shall be made for each filing in the Clerk's Office. Superior Court II staff shall provide minutes to the Clerk for those entries.
 - b. A master list of filings shall be maintained by Superior Court II and provided to the Clerk.
 - c. Basic forms will be available from Superior Court II and the Clerk's Office. Copies are attached as part of this rule.
- 1.9 Filings shall expire after five years and must be re-filed after that period.

~~Notice to attorneys and small claims litigants~~

- 1.10 Pursuant to rule 2(b) (4) (a) of the Indiana rules for small claims if a claim involves a written contract, which would include a written lease, it must be attached to the notice. One copy for all defendants and one copy for the court must be provided to the clerk. The clerk has been instructed not to accept filing of a small claim that does not comply with this rule.

Adopted effective October 8, 2004. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended Jan 1, 2012.

LR73-SC00 Rule 2 Sequential Numbering of Proceedings Supplemental and Garnishment Petitions

All Proceedings Supplemental and Garnishment pleadings shall be numbered sequentially in the title. Eg. 1st Proceeding Supplemental, 2nd Proceeding Supplemental; 1st Verified Motion to Establish Garnishment, 2nd Verified Motion to Establish Garnishment, etc.

Proposed Local Rules Shelby County - For Comment